



PORT MALABAR HOLIDAY PARK MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

SPECIAL MEETING MINUTES

May 31, 2017 – 10:00 AM

1. Meeting call to order

By Bud Getz at 10:03 AM

2. Invocation

By Keith Rittscher

3. Pledge of Allegiance

4. Roll Call

By Kendra Bender as acting Secretary; present were Bud Getz, Chairman; Allison Kelly, 1st Vice-chairman; Marilyn Spall, 2nd Vice-chairman; Kendra Bender, Secretary; Keith Rittscher, Trustee and Molly Stone, Trustee. Absent were Cathi Brennan, Treasurer and Rod Lindsay, Trustee.

5. Trustee Job Performance Review

Attachment: Written notice of Trustee job performance

Bud Getz stated that as a result of comments made at the 5/22/17 meeting and conversations with the attorney the following letter was sent to Molly Stone.

Bud Getz read the letter [attachment]

Bud Getz stated to Molly that she took an oath to uphold the duties of the Trustee position, it's been decided you have not fulfilled your duties. He then ask Molly if she would like to make a statement.

Molly Stone read a prepared statement [attachment]

The statement included her resignation from the Board of Trustees for medical reasons.

Molly provided copies of her statement to Bud Getz and Mike Lawler and a third for the state.

Bud Getz advised the meeting will not continue since Molly has resigned from the Board. Bud stated he would accept her resignation from the Board effective immediately.

Action: Motion to accept the resignation of Molly Stone from the Board of Trustees made by Marilyn Spall, Allison Kelly seconded

Trustee Comment-none

Call for vote, motion passed 4 to 1

6. Adjournment

Marilyn Spall made the motion to adjourn, Kendra Bender seconded. Meeting adjourned at 10:24 AM

Molly Stone

**1157 Greenview Ct. NE
Palm Bay, FL 32907**

**Telephone: 321 674- 2107
E-mail: mstone84@cfl.rr.com**

May 29, 2017

TO: HOLIDAY PARK BOARD OF TRUSTEES:

This letter is in answer to Chairman William "Bud" Getz's letter dated May 25, 2017, and received in my home mailbox on May 26, 2017, at 1:26 pm. There are many errors and deceptions in your letter that I understand was read in public by Allison Kelly at the May 22, 2017, Workshop meeting. It is most unusual for Trustee Allison Kelly to make a two-page public comment, calling for my resignation as Trustee without verifying what appears to be idle gossip.

In your letter, Chairman Getz, you stated that I refused to sign a document which is totally untrue. You initially asked Rod Lindsay to sign it. When it was brought to your attention that it was illegal, because the secretary is supposed to sign it, you subsequently asked me to sign it which I did, immediately. When the office was short staffed, most Trustees aided in keeping the Board business running smoothly, my part was days and nights transcribing minutes for several months of very important meetings as well as comparing my notes with the notes of other persons when there was no recording of one meeting. After the office became fully staffed, it is the job, of one the two office secretaries to take notes and transcribe meeting minutes as in the past. In January it became Carol Helton's job as Board Secretary, although I helped in February when she was sick, causing her to resign from the Board of Trustees.

On March 5, I became sick and unable to attend two Regular Meetings, March 13 and April 10, 2017. Board members are allowed to miss three Regular Meetings, as you pointed out, so missing two Regular Meetings is not Malfeasance. I also missed Workshop Meetings on March 27, April 24 and May 22, that are not Regular meetings and do not count against me. Malfeasance is three missed Regular Meetings. One who knows that is Allison Kelly who has been brought up twice before the Board of Trustees on charges of Malfeasance of Office due to absences of more than three Regular Meetings. The first time

she was excused. She ultimately resigned. Last fall she was "excused" for, again, missing more than three Regular Meetings. She was never asked for proof. Her word was accepted as being honest and truthful as mine should be now.

Other than preparing the minutes of meetings when I was sick that were prepared by your interim secretary with no disruption of Board business, I have completed all paperwork placed in my office mailbox, and I was able to help with the ballot count. I attended May 8, 2017, Regular Meeting, although I was still sick, but not contagious. The Agenda for Workshop Meeting on May 22, 2017, shows the Secretary position still open and I am listed as Assistant Secretary. At that meeting you accepted my resignation as Assistant Secretary. I have not been notified of any subsequent assignment.

Beginning March 5, I was, indeed, way too sick with acute bronchitis with asthma complications to attend meetings. I had someone walk the dog through March while medicated and under the care of three doctors. Recovery took another month when I was coughing and under medication. I shared with District Manager, Mike Lawler my belief that when one is sick they need to stay home to not spread the bug and certainly not catch another one. On May 8, 2017, I attended the Regular Meeting, although another problem had surfaced in the form of gall bladder with vomiting and other gastrointestinal symptoms. I did not ask Chairman Getz's permission to leave that Meeting early: First, because he was deep into a conversation when I became sick; second, if I had waited or opened my mouth I would have vomited on the microphone. I am not the first person who has left a meeting early without asking the Board's permission. Surgery is scheduled for day after tomorrow, June 2, when, hopefully, this goes away. To prevent leg clots, I walk my dog for 20 minutes between bouts in the bathroom, but may not be well enough, sometimes, to attend three hour meetings.

There was never any "deception." I have kept the office and District Manager, Mike Lawler apprised of each of these developments, including the cancellation, by the fifth doctor of the knee replacement that was scheduled for April 4, 2017, when I was still sick with bronchitis. For the same reason the trip was cancelled as I reported to Mike and the office girls at the time. The knee replacement will be rescheduled after recovery from gall bladder surgery. I have kept Mike informed of all changes which I assumed would be shared with Chairman Getz, and the Board, as they should have been. My

medical problems should in no way be considered, what Chairman Getz's writes, is "disrespect or ambivalence to your duties as Trustee." It is, indeed, unfortunate for me that all this has happened, but with nine Trustees it in no way impacted the business of the Board of Trustees. My only error was in not requesting that my absences be excused for medical reasons.

I have never "disrespected" this Board, but have always listened respectfully and thoughtfully considered information under discussion. Asking clarifying questions or adding another point of view to a matter under discussion is not disrespect, but always aimed to represent all residents in the park, not just a particular group.

Your short notice of this meeting was first proposed in an email on May 24, 2017, at 1:46 pm, with a confirming email on May 26 at 11:41 am, followed by a letter of explanation, not posted through the USPS but dropped off, illegally, in my home mailbox on May 26, 2017, and received by me at 1:26 pm. Combined with the long Memorial Day weekend, this has given me one business day, Tuesday, May 30, 2017, to address this. If requested and given adequate time I can obtain documentation from five different doctors to verify my medical history.

However, at this time I wish to resign my position as a member of the Board of Trustees for medical reasons. I do represent a segment of this park that is largely ignored. To them, I am sorry to disappoint you. I await an apology from Chairman William "Bud" Getz and the Board of Trustees for the many errors and deceptions in your letter.

Sincerely,

Marion "Molly" Stone

Marion "Molly" Stone

Included attachments:

Chairman William "Bud" Getz letter dated May 25, 2017

Workshop Meeting Agenda dated May 22, 2017

*RESIGNATION
ACCEPTED BY THE BOARD
OF TRUSTEES @ 10:20 AM
ON 5/31/17*

5/31/19

Kendra Bender



**PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT**

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

May 25, 2017

*Received
May 26, 2017
1:26 pm*

Marion "Molly" Stone
1157 Greenview Ct. NE
Palm Bay, FL 32907

Dear Molly Stone,

You are hereby notified that a hearing has been scheduled for May 31, 2017 at 10:00 AM at 215 Holiday Park Blvd. NE Palm Bay, FL 32907 before the Board of Trustees to consider your removal as a Trustee from the Board. It has been alleged that you have committed acts of misfeasance and /or malfeasance. The allegations/facts are as follows:

-You were initially inserted as the Assistant Secretary to the Board of Trustees in January 2017 at the reorganizational meeting pursuant to the adopted By-Laws of the District. Within a six week period the Secretary resigned and you elevated to the position of Secretary. The position of Secretary is both prescribed by the By-Laws of the District and Chapter 418 of the Florida Statutes. The office position of Secretary is an important and vital position and part of the stated duties include: "The Secretary shall sign with the chairman any official instruments of the District and shall in general perform ALL DUTIES AS FROM TIME TO TIME MAY BE ASSIGNED BY THE BOARD OF TRUSTEES".

-Back in October of 2016, you as the Secretary refused (initially) to sign a legal document. The efficient and prompt execution of legal documents is essential to the operation of the District, which is a public body.

-You were assigned the responsibility to transcribe the meeting minutes when our Secretary resigned in 2017. You continually pushed back and have refused to transcribe them. As a public body the District is responsible for complying with the Florida Sunshine Law and Public Records Law. One of the requirements of the Sunshine Law is that meeting minutes be taken. Pursuant to Florida Statute 286.011 the minutes of a meeting shall be promptly recorded, and such records shall be open to public inspection. Your failure to promptly have the minutes available put the District in jeopardy of violation of the public records and sunshine law.

-You had missed meeting under the stated reason for excusal you were "too sick" yet were seen walking your dog prior and after meeting you missed. The fact that you appeared to be well enough to walk your dog indicates that your reasons for missing meeting were false and would nullify any excused absence. At a minimum this shows deception and a lack of respect for the position as Trustee and the duties and responsibilities associated with the position.



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-At the end of March 2017 you stated you would be out of town for the workshop meeting and in April you stated you were having knee surgery, but did not give a specific date and missed both meetings. The last workshop meeting in May you reported you would not attend as you were ill, yet on the Tuesday following the meeting you were out having a pedicure in the morning. You did come to the first meeting in May (as it would have been your third missed regular meeting) but you got up and walked out without notice, permission or explanation. The failure to attend meeting, the departure from meetings without notice or cause, the failure to give proper reasons for missing meetings shows a complete disrespect and ambivalence to your duties as Trustee. You then failed to attend the May 22nd meeting.

-Your actions in failing to adequately fulfill your obligations as a Trustee and Officer show a complete disrespect and delinquency in your duties as a Trustee and a breach of the trust of your electors bestowed upon you. It is extremely important for the efficient conduct of District business that all Trustees fulfill their duties and assigned roles. Regular attendance by Trustees is important to conduct District business. Your regular absence from meetings gives the impression that the District is operating with less than the nine (9) Trustees required by statute.

Pursuant to F.S. 418.302 (5) and in accordance with Article V of the By-Laws of the Board of Trustees, any Trustee may be removed by the Board of Trustees for misfeasance or malfeasance. In accordance with Article VII of the By-Laws of the Board of Trustees, any Officer may be removed by the Board of Trustees at its discretion whenever the Board deems that the best interest of the District will be served by such removal.

This letter is your notice of hearing and your opportunity to be heard to present good cause to the Board why you should not be removed from the Board. You may present mitigating circumstances to show good cause why you should not be removed. If the Board determines that you have committed the above violation(s) you may be removed as a Trustee (Specific authority, F.S. 418.302 (5) and Articles V and VII of the By-Laws of Port Malabar Holiday Park Mobile Home Recreation District).

Thank you for your attention in this matter.

Sincerely,

William "Bud" Getz
Board of Trustees-Chairman